TRANSMITTAL OF APPEAL BRIEF

Docket No.
1259-0191P

In re Application of: Kouki HATAKEYAMA

Application No.	Filing Date	Examiner	Group Art Unit
08/841,318-Conf. #3061	April 30, 1997	N. G. Giles	2622

Invention: A METHOD OF CONTROLLING THE DISPLAY MODE AND THE RECORDING MODE OF AN ELECTRONIC STILL CAMERA

TO THE COMMISSIONER OF PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed: February 22, 2007 .

The fee for filing this Appeal Brief is $ 500.00 .

[X] Large Entity [ ] Small Entity

[X] A petition for extension of time is also enclosed.

The fee for the extension of time is $ 1,020.00 .

[ ] A check in the amount of _____ is enclosed.

[X] Charge the amount of the fee to Deposit Account No. 02-2448 .
This sheet is submitted in duplicate.

[ ] Payment by credit card. Form PTO-2038 is attached.

[X] The Director is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 02-2448 .
This sheet is submitted in duplicate.

Dated: August 20, 2007

D. Richard Anderson
Attorney Reg. No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8035

#52377

MS APPEAL BRIEF
PATENT
1259-0191P

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kouki HATAKEYAMA

Application No.: 08/841,318

Confirmation No.: 3063

Filed: April 30, 1007

Art Unit: 2622

For: A METHOD OF CONTROLLING THE DISPLAY MODE AND THE RECORDING MODE OF AN ELECTRONIC STILL CAMERA

Examiner: N. G. GILES

APPEAL BRIEF

TABLE OF CONTENTS

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kouki HATAKEYAMA

Application No.: 08/841,318 Confirmation No.: 3063

Filed: April 30, 1007 Art Unit: 2622

For: A METHOD OF CONTROLLING THE DISPLAY MODE AND THE RECORDING MODE OF AN ELECTRONIC STILL CAMERA

Examiner: N. G. GILES

APPEAL BRIEF
ON BEHALF OF APPELLANT:
KOUKI HATAKEYAMA

MS APPEAL BRIEF
Board of Patent Appeals
and Interferences
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant hereby submits the following Appeal Brief in support of the Notice of Appeal filed February 22, 2007.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the entire interest in the above-captioned patent application, FUJIFILM Corporation, 210 Nakanuma, Minami-Ashigara-shi, Kanagawa 250-0123, Japan.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 1-6 are pending in the above-captioned application, and each of these claims is presently rejected. The rejection of claims 1-6 is being appealed.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been presented after the final rejection mailed September 22, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention of claim 1 provides for a method of controlling an electronic still camera having a solid state imaging device including a plurality of adjacent horizontal scanning lines of individual pixels intersected by a plurality of adjacent color filters, each of a distinct color, forming columns in the solid state imaging device so that individual pixels of the plurality of adjacent horizontal scanning lines within a particular color filter detect a same color, an electronic view finder for displaying a moving picture of a photographic subject by interlace-scanning, and a recording device for recording a still picture of the photographic subject as digital data on a recording medium in response to a shutter release operation, comprising: obtaining field image signals of an odd field by adding a signal charge stored in each of those pixels aligned in even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in one of two adjacent odd

horizontal scanning lines, each of those pixels in the even and adjacent odd scanning lines vertically aligned within the same color filter [Specification, page 8, lines 5-18]; obtaining field image signals of an even field by adding the signal charge of each pixel of the even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in the other of two adjacent odd horizontal scanning lines [Specification, page 8, lines 5-18]; subjecting a white balance process to said field image signals consisting of separated red, blue and green signals in a white balance circuit, the white balance process adjusting the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant [Specification, page 9, lines 1-21]; subjecting an output of the white balance circuit to a gradation correction in a γ-circuit [Specification, page 9, lines 22-24]; outputting integrated values of said field images from said white balance circuit in an integrated circuit [Specification, page 9, lines 17-24]; displaying a frame of the moving picture based on the field image signals for the odd and even fields which are outputted from said γ-circuit [Specification, page 10, lines 1-3]; detecting signal levels of the field image signals based on said integrated values [Specification, page 9, lines 21-25]; starting, in response to the shutter release operation, to read signal charges stored in the individual pixels by sequential scanning each horizontal scanning line, to provide image signals of one frame to record [Specification, page 9, line 22 through page 10, line 3]; and determining signal levels of the image signals to record based on the signal levels of the field image signals [Specification, page 9, line 22 through page 10, line 3].

The invention of claim 5 provides for a method of controlling an electronic still camera having a solid state imaging device including a plurality of adjacent horizontal scanning lines of individual pixels intersected by three vertically-adjacent color separation filters forming columns in the solid state imaging device so that individual pixels of the plurality of adjacent horizontal

scanning lines within a particular color filter detect a same color, an electronic view finder for displaying a moving picture of a photographic subject, and a recording device for recording a still picture of the photographic subject as digital data on a recording medium in response to a shutter release operation, comprising: driving the solid state imaging device at a first interval corresponding to a predetermined field frequency of interlace-scanning used for displaying the moving picture [Specification, page 8, lines 5-18]; determining a first charge storage time of the solid state imaging device in a range not more than the first interval [Specification, page 9, lines 1-10]; obtaining field image signals of an odd field by adding a signal charge stored during the first charge storage time in each of those pixels aligned in even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in one of two adjacent odd horizontal scanning lines, each of those pixels in the even and adjacent odd scanning lines vertically aligned within the same color separation filter [Specification, page 9, lines 1-21]; obtaining field image signals of an even field by adding the signal charge of each pixel of the even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in the other of two adjacent odd horizontal scanning lines; subjecting a white balance process to said field image signals consisting of separated red, blue and green signals in a white balance circuit, the white balance process adjusting the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant [Specification, page 9, lines 1-21]; subjecting an output of the white balance circuit to a gradation correction in a γ-circuit [Specification, page 10, lines 1-3]; outputting integrated values of said field images from said white balance circuit in an integrated circuit [Specification, page 9, lines 17-24]; displaying a frame of the moving picture based on the field image signals for the odd and even fields, which are outputted from said γ-circuit by interlace-scanning [Specification, page 10, lines 1-3]; detecting signal levels of

the field image signals based on said integrated values [Specification, page 9, lines 21-25]; revising the first charge storage time in accordance with the detected signal levels [Specification, page 10, lines 1-21]; determining, in response to the shutter release operation, a second charge storage time based on the first charge storage time [Specification, page 10, lines 1-27]; obtaining image signals for one frame from signal charges stored during the second charge storage time in the individual pixels of the solid state imaging device by sequential scanning of each horizontal scanning line [Specification, page 10, lines 1-27]; and recording the image signals of one frame as a still picture in the recording medium [Specification, page 11, lines 1-5].

The summary of the claimed invention herein has been made to comply with the Patent Office rules in submitting briefs and is not to be considered as limiting the claimed invention.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Iura et al.* (USP 5,847,756) (hereinafter "*Iura*") in view of *Sasaki* (USP 4,837,628) (hereinafter "*Saksaki*") and further in view of *Sugihara* (USP 4,054,915) (hereinafter "*Sugihara*") and further in view of *Suh* (USP 5,508,739) (hereinafter "*Suh*").

VII. ARGUMENTS

1. The Rejection Fails to Establish *Prima Facie* Obviousness of Claims 1-6

A. Argument Summary

The reasoning provided in support of the rejection of claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over *Iura* in view of *Sasaki* and *Sugihara* and further in view of *Suh* fails to establish *prima facie* obviousness. Generally, the deficiencies of the rejection are that:

a) the rejection attributes certain claimed features to the references that a detailed reading of the references reveals are not taught therein;

b) when the nature and purpose of the device of *Iura* is recognized, it is evident that there is no suggestion or motivation in either of the references cited in support of the rejection or in knowledge generally available to those skilled in the art to modify *Iura* in a manner asserted by the rejection; and

c) by asserting that certain modifications to the device of *Iura* would have been obvious without a proper suggestion or motivation in the applied references or elsewhere to make the asserted modifications, the rejection appears to rely on impermissible hindsight reasoning.

Such deficiencies exist for the rejection for each of claims 1-6.

B. Legal Requirements of *Prima Facie* Obviousness

To establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art and the asserted modification or combination of the prior art must be supported by some teaching, suggestion, or motivation in the applied references or in knowledge generally available to one skilled in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The prior art must suggest the desirability of the modification in order to establish a *prima facie* case of obviousness. *In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1995). It can also be said that the prior art must collectively suggest or point to the claimed invention to support a finding of obviousness. *In re Hedges*, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed. Cir. 1986); *In re Ehrreich*, 590 F.2d 902, 908-909, 200 USPQ 504, 510 (C.C.P.A. 1979).

The teaching or suggestion to make the asserted combination or modification of the primary reference must be found in the prior art and cannot be gleaned from applicant's disclosure. *In re Vaeck*,

947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In other words, the use of hindsight to reconstruct the claimed invention is impermissible. *Uniroyal Inc. v. Rudlan-Wiley Corp.*, 5 USPQ 1434 (Fed. Cir. 1983).

Finally, when considering the differences between the primary reference and the claimed invention, the question for assessing obviousness is not whether the differences themselves would be been obvious, but instead whether the claimed invention as a whole would have been obvious. *Stratoflex Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983).

i. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 1

a. The Examiner is mischaracterizing the teachings of *Suh*.

The invention of claim 1 provides for a method of controlling an electronic still camera having a solid state imaging device including a plurality of adjacent horizontal scanning lines of individual pixels intersected by a plurality of adjacent color filters, each of a distinct color, forming columns in the solid state imaging device so that individual pixels of the plurality of adjacent horizontal scanning lines within a particular color filter detect a same color, an electronic view finder for displaying a moving picture of a photographic subject by interlace-scanning, and a recording device for recording a still picture of the photographic subject as digital data on a recording medium in response to a shutter release operation, comprising: obtaining field image signals of an odd field by adding a signal charge stored in each of those pixels aligned in even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in one of two adjacent odd horizontal scanning lines, each of those pixels in the even and adjacent odd scanning lines vertically aligned within the same color filter; obtaining field image signals of an even field by adding the signal charge of each pixel of the even horizontal scanning lines to a signal charge stored in one of

those pixels detecting the same color in the other of two adjacent odd horizontal scanning lines; subjecting a white balance process to said field image signals consisting of separated red, blue and green signals in a white balance circuit, the white balance process adjusting the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant; subjecting an output of the white balance circuit to a gradation correction in a γ-circuit; outputting integrated values of said field images from said white balance circuit in an integrated circuit; displaying a frame of the moving picture based on the field image signals for the odd and even fields which are outputted from said γ-circuit; detecting signal levels of the field image signals based on said integrated values; starting, in response to the shutter release operation, to read signal charges stored in the individual pixels by sequential scanning each horizontal scanning line, to provide image signals of one frame to record; and determining signal levels of the image signals to record based on the signal levels of the field image signals.

Appellant respectfully submits that the cited references fail to teach or suggest all of the elements as recited in the claim.

In support of his rejection of claim 1, the Examiner admits that each of *Iura*, *Sasaki* and *Sugihara* fail to teach or suggest subjecting a white balance process to the field image signals in a white balance circuit and outputting integrated values of the field images from the white balance circuit in an integrated circuit, and further detecting the signal levels based on the integrated signals. However, in an attempt to show this feature, the Examiner imports *Suh*. (see final Office Action, page 6). Appellant maintains that the teachings of *Suh* is insufficient to make obvious the present invention at least because *Suh* also fails to teach or suggest the above-noted feature.

Appellant respectfully submits that *Suh* merely discloses a white balance adjusting apparatus for a video camera that includes various elements including: a latch circuit 20 for holding integrated values IR/IG and IB/IG obtained at a divide circuit 13, and a comparing circuit 23 serially connected between the divide circuit 13 and a computation circuit 16 for comparing integration values ratios outputted at the latch circuit 20. (see *Suh*, Fig. 4 and col. 4, lines 45-55). In other words, *Suh*'s white balance adjusting apparatus apparently includes an integration circuit 9 and processes the integration value ratios IR/IG and IB/IG obtained therein. As such, contrary to the Examiner's beliefs, *Suh* fails to disclose outputting integrated values of the field images from the white balance circuit into an integrated circuit, as set forth in the claimed invention. In other words, *Suh* fails to teach or suggest taking field images from the white balance circuit (i.e., an output of the white balance circuit) and integrating them in an integration circuit because *Suh*'s integration circuit is an integral part of its white balance apparatus. As such, *Suh* fails to take an output of the white balance circuit and perform integration on the outputted field image signals, as claimed and shown in Appellant's Fig. 1 elements 9, 11 and 12, for example.

The Examiner alleges in the Advisory Action's comments that *Suh* integrates the R, G, and B signals in order to obtain R-Y and B-Y signals. (see Continuation Sheet, page 2). Appellant respectfully submits that this is a gross mischaracterization of *Suh*, because *Suh* fails to designate R-Y and B-Y as integrated signals. Instead, *Suh* clearly states that R-Y and B-Y are merely color difference signals. (see *Suh*, col. 3, lines 15-19).

Suh's Fig. 1 and Fig. 4 are both white balance adjusting apparatuses which include an integration circuit 9 for computing the integration values IR, IG, and IB obtained by integrating the primary color signal outputted from the first operation circuit 4 for a time of a field. (see *Suh*, col. 1, lines 36-39). In other words, during the white balance process, *Suh* integrates the output of the first

operation circuit 4. However, *Suh* fails to integrate the field images outputted from the white balance circuit, as set forth in the claim.

As a result, Appellant respectfully submits that *Suh* fails to teach or suggest the above noted features *in the manner claimed* and thus fails to make up for the deficiencies noted in each of *Iura*, *Sasaki* and *Sugihara*. Instead, *Suh* merely discloses a white balance apparatus that includes a dividing circuit for integrating a color signal and for computing an integration value ratio. Thus, in *Suh*, integration of the image signals is performed during the white balance adjustment process.

For at least the reasons noted above, Appellant respectfully submits that contrary to the Examiner's beliefs, *Suh* fails to make up for the deficiencies found in each of *Iura*, *Sasaki* and *Sugihara*.

b. The Examiner is mischaracterizing the teachings of *Sasaki*

The Examiner alleges that *Sasaki* discloses subjecting a gradation correction in a gamma circuit. (see final Office Action, page 7). Appellant respectfully disagrees with this allegation.

In the claimed invention, the method subjects an output of the white balance circuit to a gradation correction in a γ-circuit. Given that *Sasaki* fails to even disclose a white balance circuit, it goes to follow that *Sasaki* cannot possibly disclose subjecting an output of the white balance circuit to a gradation correction in a γ-circuit.

c. The Examiner is using a piecemeal approach to support his rejection

Appellant respectfully submits that the Examiner is merely using a piecemeal approach to rejecting the present invention without considering the claim in its entirety. None of the references cited teach or suggest the above noted features, *in the manner claimed.* Appellant respectfully

submits that the Examiner is merely pointing to individual components in the references and trying to associate such components to the overall claimed invention without properly establishing that it is obvious to combine the components *in the manner claimed.*

Appellant respectfully submits that neither *Iura*, *Sasaki*, *Sugihara* nor *Suh*, taken singularly or in combination, (assuming these teachings may be combined, which Appellant does not admit) teach or suggest using an integration circuit to output integrated values of the field images from the white balance circuit, whereby the subjecting a white balance process to the field image signals consisted of separated red, blue and green signals in a white balance circuit, wherein the white balance process adjusts the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant.

Because the Examiner has failed to provide references that teach or suggest *all* of the claim elements, namely, (1) outputting integrated values of said field images from said white balance circuit in an integrated circuit, and (2) subjecting an output of the white balance circuit to a gradation correction in a γ-circuit, in conjunction with the other elements as recited in claim 1, the Examiner has failed to satisfy the burden under 35 U.S.C. § 103.

Because *Suh* and *Sasaki* fail to make up for the conceded deficiencies of the other cited references, independent claim 1 is allowable over the cited combination of art.

d. There is no motivation or rationale to combine the teachings of the cited references

As *Suh* fails to teach or suggest the elements purported by the Examiner, Appellant respectfully submits that there would be no motivation to combine the teachings of the cited reference in the manner asserted by the Examiner.

As such, Appellant respectfully submits that there is no motivation, or sufficient statement of rationale provided by the Examiner to modify *Iura* in a manner asserted by the Examiner. As such, Appellant respectfully submits that the Examiner has failed to establish prima facie obviousness. It is respectfully submitted that at least for this reason, claim 1 is not obvious over the references as cited by the Examiner.

e. The rejection relies on impermissible hindsight

By asserting that it would have been obvious to modify *Iura* to include the features of *Suh* with no proper suggestion, motivation, or rationale in the applied references or elsewhere to do so, the rejection appears to rely on impermissible hindsight reasoning. As such, Appellant maintains that claim 1 is patentable over the references as cited.

ii. The Rejection Fails to Establish *Prima Facie* Obviousness of Independent Claim 5

a. The Examiner is mischaracterizing the teachings of *Suh*.

The invention of claim 5 provides for a method of controlling an electronic still camera having a solid state imaging device including a plurality of adjacent horizontal scanning lines of individual pixels intersected by three vertically-adjacent color separation filters forming columns in the solid state imaging device so that individual pixels of the plurality of adjacent horizontal scanning lines within a particular color filter detect a same color, an electronic view finder for displaying a moving picture of a photographic subject, and a recording device for recording a still picture of the photographic subject as digital data on a recording medium in response to a shutter release operation, comprising: driving the solid state imaging device at a first interval corresponding to a predetermined field frequency of interlace-scanning used for displaying the moving picture; determining a first charge storage time of the solid state imaging device in a range not more than the

first interval; obtaining field image signals of an odd field by adding a signal charge stored during the first charge storage time in each of those pixels aligned in even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in one of two adjacent odd horizontal scanning lines, each of those pixels in the even and adjacent odd scanning lines vertically aligned within the same color separation filter; obtaining field image signals of an even field by adding the signal charge of each pixel of the even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in the other of two adjacent odd horizontal scanning lines; subjecting a white balance process to said field image signals consisting of separated red, blue and green signals in a white balance circuit, the white balance process adjusting the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant; subjecting an output of the white balance circuit to a gradation correction in a γ-circuit; outputting integrated values of said field images from said white balance circuit in an integrated circuit; displaying a frame of the moving picture based on the field image signals for the odd and even fields, which are outputted from said γ-circuit by interlace-scanning; detecting signal levels of the field image signals based on said integrated values; revising the first charge storage time in accordance with the detected signal levels; determining, in response to the shutter release operation, a second charge storage time based on the first charge storage time; obtaining image signals for one frame from signal charges stored during the second charge storage time in the individual pixels of the solid state imaging device by sequential scanning of each horizontal scanning line; and recording the image signals of one frame as a still picture in the recording medium.

Appellant respectfully submits that the cited references fail to teach or suggest all of the elements as recited in the claim.

In support of his rejection of claim 5, the Examiner admits that each of *Iura*, *Sasaki* and *Sugihara* fail to teach or suggest subjecting a white balance process to the field image signals in a white balance circuit and outputting integrated values of the field images from the white balance circuit in an integrated circuit, and further detecting the signal levels based on the integrated signals. However, in an attempt to show this feature, the Examiner imports *Suh*. (see final Office Action, page 6). As noted above with regard to claim 1, there are fatal deficiencies of the teachings of *Suh*. Appellant maintains that the teachings of *Suh* is insufficient to make obvious the present invention at least because *Suh* also fails to teach or suggest the above-noted feature.

As noted above, fails to take an output of the white balance circuit and perform integration on the outputted field image signals, as claimed and shown in Appellant's Fig. 1 elements 9, 11 and 12, for example.

Further, as noted above, *Suh* fails to designate R-Y and B-Y as integrated signals. Instead, *Suh* clearly states that R-Y and B-Y are merely color difference signals. (see *Suh*, col. 3, lines 15-19).

Still further, *Suh* fails to integrate the field images outputted from the white balance circuit, as set forth in the claim.

As a result, Appellant respectfully submits that *Suh* fails to teach or suggest the above noted features *in the manner claimed* and thus fails to make up for the deficiencies noted in each of *Iura*, *Sasaki* and *Sugihara*. Instead, *Suh* merely discloses a white balance apparatus that includes a dividing circuit for integrating a color signal and for computing an integration value ratio. Thus, in *Suh*, integration of the image signals is performed during the white balance adjustment process.

For at least the reasons noted above, Appeallnt respectfully submits that contrary to the Examiner's beliefs, *Suh* fails to make up for the deficiencies found in each of *Iura*, *Sasaki* and *Sugihara*.

b. The Examiner is mischaracterizing the teachings of *Sasaki*

The Examiner alleges that *Sasaki* discloses subjecting a gradation correction in a gamma circuit. (see final Office Action, page 7). Appellant respectfully disagrees with this allegation.

As noted above, *Sasaki* cannot possibly disclose subjecting an output of the white balance circuit to a gradation correction in a γ-circuit.

c. The Examiner is using a piecemeal approach to support his rejection

Appellant respectfully submits that the Examiner is merely using a piecemeal approach to rejecting the present invention without considering the claim in its entirety. None of the references cited teach or suggest the above noted features, *in the manner claimed.* Appellant respectfully submits that the Examiner is merely pointing to individual components in the references and trying to associate such components to the overall claimed invention without properly establishing that it is obvious to combine the components *in the manner claimed.*

Appellant respectfully submits that neither *Iura*, *Sasaki*, *Sugihara* nor *Suh*, taken singularly or in combination, (assuming these teachings may be combined, which Appellant does not admit) teach or suggest using an integration circuit to output integrated values of the field images from the white balance circuit, whereby the subjecting a white balance process to the field image signals consisted of separated red, blue and green signals in a white balance circuit, wherein the white balance process adjusts the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant.

Because the Examiner has failed to provide references that teach or suggest *all* of the claim elements, namely, (1) outputting integrated values of said field images from said white balance circuit in an integrated circuit, and (2) subjecting an output of the white balance circuit to a gradation correction in a γ-circuit, in conjunction with the other elements as recited in claim 5, the Examiner has failed to satisfy the burden under 35 U.S.C. § 103.

Because *Suh* and *Sasaki* fail to make up for the conceded deficiencies of the other cited references, independent claim 1 is allowable over the cited combination of art.

d. There is no motivation or rationale to combine the teachings of the cited references

As *Suh* fails to teach or suggest the elements purported by the Examiner, Appellant respectfully submits that there would be no motivation to combine the teachings of the cited reference in the manner asserted by the Examiner.

As such, Appellant respectfully submits that there is no motivation, or sufficient statement of rationale provided by the Examiner to modify *Iura* in a manner asserted by the Examiner. As such, Appellant respectfully submits that the Examiner has failed to establish prima facie obviousness. It is respectfully submitted that at least for this reason, claim 5 is not obvious over the references as cited by the Examiner.

e. The rejection relies on impermissible hindsight

By asserting that it would have been obvious to modify *Iura* to include the features of *Suh* with no proper suggestion, motivation, or rationale in the applied references or elsewhere to do so, the rejection appears to rely on impermissible hindsight reasoning. As such, Appellant maintains that claim 5 is patentable over the references as cited.

iii. The Rejection Fails to Establish *Prima Facie* Obviousness of Dependent Claims 2-4 and 6

Claims 2-4 depend either directly or indirectly from claim 1 and claim 6 depends directly from claim 5. Appellant respectfully submits that claims 2-4 and 6 are allowable for the reasons set forth above with regard to claims 1 and 5 at least based upon their dependency on claims 1 or 5. Appellant further submits that dependent claims 2-4 and 6 are separately patentable and offers the following additional argument for the inventions of claims 2-4 and 6.

The rejection of claims 2-4 and 6 asserts that the cited references disclose the features as recited therein. However, Appellant submits that the rejection's reliance on the cited references fails to make up for the deficiencies of the rejection as applied in claims 1 and 5. As the Examienr has failed to establish prima facie obviousness, Appellant respectfully submits that claims 2-4 and 6 are allowable over the references as cited.

VIII. CONCLUSION

The withdrawal of the outstanding rejections and the allowance of claims 1-6 is earnestly solicited.

Respectfully submitted,

Dated: August 20, 2007

By _____
D. Richard Anderson
Registration No.: 40,439

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Appellant

IX. CLAIMS APPENDIX

1. (Previously Presented) A method of controlling an electronic still camera having a solid state imaging device including a plurality of adjacent horizontal scanning lines of individual pixels intersected by a plurality of adjacent color filters, each of a distinct color, forming columns in the solid state imaging device so that individual pixels of the plurality of adjacent horizontal scanning lines within a particular color filter detect a same color, an electronic view finder for displaying a moving picture of a photographic subject by interlace-scanning, and a recording device for recording a still picture of the photographic subject as digital data on a recording medium in response to a shutter release operation, comprising:

obtaining field image signals of an odd field by adding a signal charge stored in each of those pixels aligned in even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in one of two adjacent odd horizontal scanning lines, each of those pixels in the even and adjacent odd scanning lines vertically aligned within the same color filter;

obtaining field image signals of an even field by adding the signal charge of each pixel of the even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in the other of two adjacent odd horizontal scanning lines;

subjecting a white balance process to said field image signals consisting of separated red, blue and green signals in a white balance circuit, the white balance process adjusting the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant;

subjecting an output of the white balance circuit to a gradation correction in a γ-circuit;

outputting integrated values of said field images from said white balance circuit in an integrated circuit;

displaying a frame of the moving picture based on the field image signals for the odd and even fields which are outputted from said γ-circuit;

detecting signal levels of the field image signals based on said integrated values;

starting, in response to the shutter release operation, to read signal charges stored in the individual pixels by sequential scanning each horizontal scanning line, to provide image signals of one frame to record; and

determining signal levels of the image signals to record based on the signal levels of the field image signals.

2. (Original) A method according to claim 1, wherein the signal levels of the image signals to record are controlled by changing exposure value or gain of an amplifier connected to an output of the solid state device.

3. (Original) A method according to claim 2, wherein the solid state device is driven with a charge storage time for obtaining the image signals to record, the charge storage time being twice as long as a charge storage time that is used for the field image signals immediately before the shutter release operation.

4. (Original) A method according to claim 2, wherein the gain of the amplifier for each color is doubled for the image signals to record, compared with that used for the field image signals immediately before the shutter release operation.

5. (Previously Presented) A method of controlling an electronic still camera having a solid state imaging device including a plurality of adjacent horizontal scanning lines of individual pixels intersected by three vertically-adjacent color separation filters forming columns in the solid state imaging device so that individual pixels of the plurality of adjacent horizontal scanning lines within a particular color filter detect a same color, an electronic view finder for displaying a moving picture of a photographic subject, and a recording device for recording a still picture of the photographic subject as digital data on a recording medium in response to a shutter release operation, comprising:

driving the solid state imaging device at a first interval corresponding to a predetermined field frequency of interlace-scanning used for displaying the moving picture;

determining a first charge storage time of the solid state imaging device in a range not more than the first interval;

obtaining field image signals of an odd field by adding a signal charge stored during the first charge storage time in each of those pixels aligned in even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in one of two adjacent odd horizontal scanning lines, each of those pixels in the even and adjacent odd scanning lines vertically aligned within the same color separation filter;

obtaining field image signals of an even field by adding the signal charge of each pixel of the even horizontal scanning lines to a signal charge stored in one of those pixels detecting the same color in the other of two adjacent odd horizontal scanning lines;

subjecting a white balance process to said field image signals consisting of separated red, blue and green signals in a white balance circuit, the white balance process adjusting the signal

levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant;

subjecting an output of the white balance circuit to a gradation correction in a γ-circuit;

outputting integrated values of said field images from said white balance circuit in an integrated circuit;

displaying a frame of the moving picture based on the field image signals for the odd and even fields, which are outputted from said γ-circuit by interlace-scanning;

detecting signal levels of the field image signals based on said integrated values;

revising the first charge storage time in accordance with the detected signal levels;

determining, in response to the shutter release operation, a second charge storage time based on the first charge storage time;

obtaining image signals for one frame from signal charges stored during the second charge storage time in the individual pixels of the solid state imaging device by sequential scanning of each horizontal scanning line; and

recording the image signals of one frame as a still picture in the recording medium.

6. (Original) A method according to claim 5, wherein the second charge storage time is twice as long as the first charge storage time.

7. (Cancelled).

8. (Cancelled).

9. (Cancelled).

10. (Cancelled).

X. EVIDENCE APPENDIX

No evidence has been submitted under 37 C.F.R. § 1.130, 1.131, or 1,132. No other evidence has been entered by the examiner and relied upon in this appeal.

XI. RELATED PROCEEDINGS APPENDIX

There are no related proceedings.